IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1248 OF 2007

M/s. Sun City Housing ... Petitioners

Vs.

The Municipal Corporation of Greater Mumbai & Ors. ... Respondents

Mr. T.N. Subramanian with Mr. S.U. Kamdar i/b M/s. Purnanand & Co. for the petitioners.

Mr. D.H. Mehta i/b Mr. N.K. Mudnaney for respondent Nos.5 to 7.

Mr. J. Reis with Mr. P.A. Purandare for B.M.C. for respondent Nos.1 to 4.

CORAM : SWATANTER KUMAR, C.J. &
SMT. RANJANA DESAI, J.

DATED : JULY 19, 2007.

P.C.:-

1. During the pendency of this petition, the learned counsel for respondent Nos.1 to 4 stated that they would not give effect to the notice issued to the petitioner under section 354-A of the BMC Act and he has instructions to withdraw the said notice with liberty to issue a fresh notice and take such action as may be permissible to

them in law. It is further stated that besides this, if any other material fact or information is available to the Corporation, the Corporation also deserves their right to take any other action which is permissible to them in law.

2. In view of the statement made by the learned counsel for the Corporation, nothing survives in this petition. The same has become infructuous and is disposed of accordingly. No order as to costs.

3. It is made clear that this order is passed without prejudice to the rights and contentions of both parties and the petitioners are at liberty to agitate the issues, raised in the present petition, at a subsequent stage if the occasion so arises.

[CHIEF JUSTICE]

[SMT. RANJANA DESAI, J.]